

2005-07 Policy and Program Recommendations of Governor's Council on Substance Abuse

Revenue Enhancement Package Proposal

This proposal was prepared at the request of the Governor's Council on Substance Abuse and does not necessarily represent the official position of the Governor's Office, the state agencies represented on the Council or the agency or organization that prepared this proposal.

Program: Washington State Patrol Forensic Laboratory Services Bureau

Recommendation Summary:

(Summary description of purpose of proposed enhancement)

This proposal would staff new crime laboratories currently being completed in Cheney and Vancouver WA, and supplement drug chemistry staff in the Marysville Laboratory performing drug analysis. It would also upgrade staffing in the State Toxicology Laboratory to deal with increasing drug impaired driving caseload. Increased staffing levels would reduce turnaround time on casework, reduce backlogs, improve resources for local criminal investigators, and improve the comprehensivity of testing in the state toxicology laboratory. The proposal also advocates completion of the second phase of the capital construction project in the Vancouver Crime Laboratory in the 2005/07 biennium.

Fiscal Detail *(Provide for each year and for the biennium total operating expenditures, staffing (FTEs) and revenue sources (if known)).*

	FY 2005	FY 2006	Total
Operating Expenditures	878,000	1,106,000	1,978,000
Staffing (FTEs)	6	8	14FTE
Revenue Detail (if known)	Not applicable		
Funding sources	GFS/PSEA/SPHA/Death Investigations Account (02K)		

Description of existing program *(Brief description of existing activities as they function and any anticipated changes at the current budgeted level)*

The Forensic Laboratory Services Bureau (FLSB) of the Washington State Patrol incorporates the State Crime Laboratory Division (seven laboratories throughout the state) and the State Toxicology Laboratory located in Seattle. The Bureau has a comprehensive ten year plan for adjusting staffing levels to meet need in all disciplines and the enhancements described here deal specifically with drug chemistry and toxicology needs.

The Crime Laboratory Division performs a variety of forensic analyses among them forensic chemistry which includes drug chemistry cases, clandestine drug manufacturing laboratories, arson casework, explosives, and general unknown substance testing. The Crime Laboratory division is staffed to capacity in its current facilities and is completing construction of new laboratories in Spokane and Vancouver. Between them, these scientists analyzed 15,500 controlled substance cases in the 2003. Controlled substance casework comprises 68% of the total cases submitted to the laboratory in any given year.

The State Toxicology Laboratory performs alcohol, drug and poison testing for death investigation agencies, drug and alcohol impaired driving (DUI) investigations, and drug facilitated sexual assault cases. The Laboratory receives approximately 8,500 cases each year.

While the major driver in demand for the services of these laboratories has been the methamphetamine epidemic, demands for drug testing are up across the board. Table 1 illustrates the major drugs in controlled substance casework over the last three years.

Table 1.

DRUG	2003	2002	2001
Methamphetamine	6460	6339	6294
Cocaine	4626	3819	3994
Marihuana	3267	2890	2973
Heroin	1195	806	904
MDMA	151	141	222
Pseudoephedrine	150	117	150
Psilocin/psilocybin	107	153	101
Hydrocodone	60	56	45
Oxycodone	59	147	73

In net there has been a 4% annual increase in drug cases submitted with a corresponding number of them testing positive. Furthermore, many of these cases involve clandestine drug laboratories which are complex analytical chemistry cases involving testing reaction mixtures, precursors and chemical reagents, as well as product. The Laboratories also send chemists out to attend raids on major drug laboratories to deal with chemical hazards. The scientists responsible for drug cases also perform other types of testing including paints, arson cases, explosives, and other unidentified substances. Increases in demands for one service impacts many others. Backlogs have been increasing in both controlled substance casework, and clandestine laboratory casework over the last two years. The real impact is further obscured by the overtime worked by staff to help hold these increases in check.

Figure 1. Controlled substance backlogs and turnaround time in State Crime Laboratory.

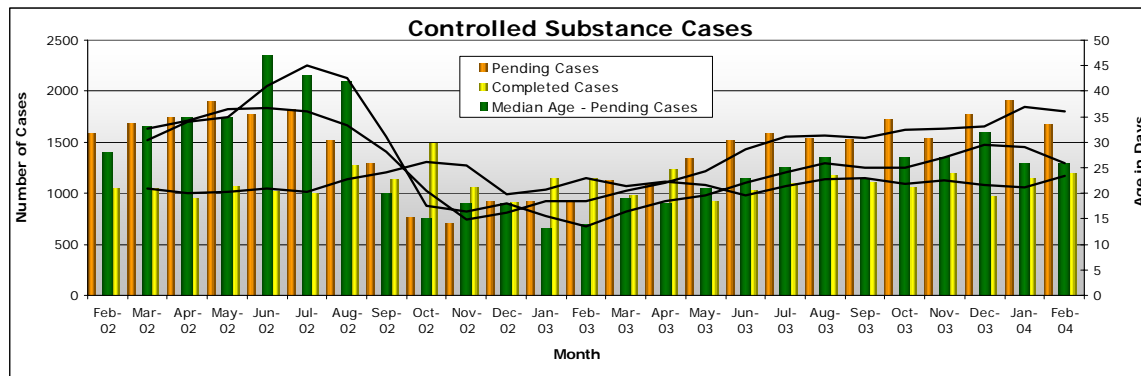


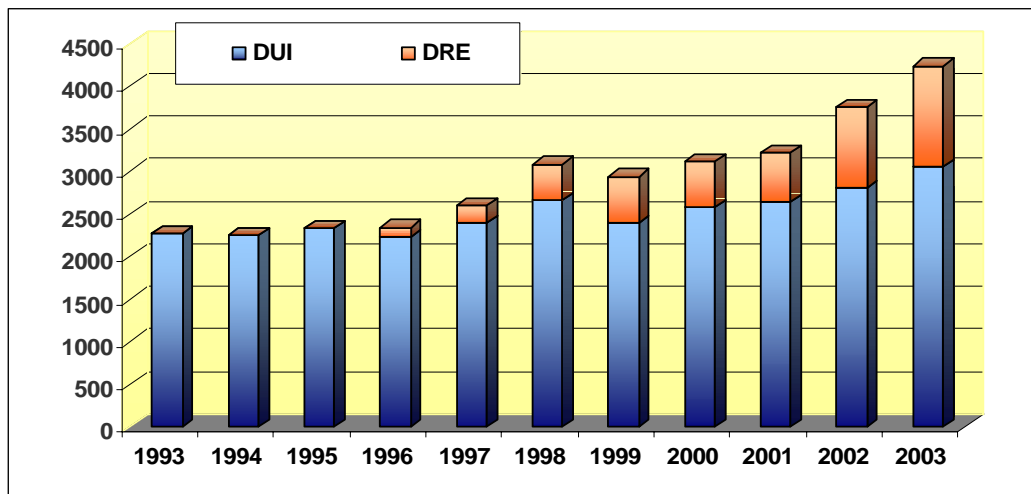
Table 2 shows the specific impacts of methamphetamine on both the Crime Laboratories and the State Toxicology Laboratory.

Table 2. Methamphetamine activity indicators

	Mar 2004	Feb 2004	Change	Change (%)	Mar 2004	Mar 2003	Change	Change (%)	2004 YTD	2003 YTD	Change	Change (%)	Last 12 months	Prior 12 months	Change	Change (%)
Deaths - meth involved	16	8	8	100.0	16	15	1	6.7	43	36	7	19.4	189	164	25	15.2
DUI - meth	46	18	28	155.6	46	32	14	43.8	99	91	8	8.8	407	289	118	40.8
Con Sub cases - meth positive	778	694	84	12.1	778	487	291	59.8	2203	1694	509	30.0	7688	6598	1090	16.5
Clan Labs received - WSP	1	6	(5)	(83.3)	1	3	(2)	0.0	11	6	5	83.3	32	23	9	39.1
Clan Labs received - Other Agencies	56	52	4	7.7	56	74	(18)	(24.3)	160	182	(22)	(12.1)	594	628	(34)	(5.4)
Total Clan Labs received	57	58	(1)	(1.7)	57	74	(17)	(23.0)	171	188	(17)	(9.0)	626	651	(25)	(3.8)
Clan Labs cases pending	70	40	30	75.0	70	53	17	32.1								

Increased emphasis on DUI enforcement over the last decade has been a further driver of increased workloads in the State Toxicology Laboratory. Generally toxicology casework is increasing at between 5% and 7% each year, as the level of professional death investigation improves, and as more attention is turned to the role of drugs and alcohol in vehicular assault and homicide cases. While the actual caseload has increased 61% over the last ten years, the proportion of DUI casework has increased from 42% in 1993 to 50% in 2003. The introduction of the Drug Recognition Expert (DRE) officer program in 1996 has improved the quality of investigation of drug impaired driving casework but has placed additional demands on the Laboratory. Figure 2 shows the increases in drug impaired driver workload over the last ten years.

Figure 2. Impaired driving casework in the State Toxicology laboratory.



This proposal also recommends that the second phase of the Vancouver crime laboratory be completed in the 2005-07 biennium as a capital budget priority.

Justification and Impact Statement *(Include reason for the proposed enhancement, impact on clients and services, impact on other units of government, other alternatives explored, future biennia budget impacts, one-time versus ongoing expenditures and costs, and effect of non-funding.*

- **Reason for proposed enhancement**

Caseload in both laboratories continues to escalate, increasing the time taken for reporting lab results in criminal cases, impacting other areas of service, and slowing the implementation of new technologies. The proposed enhancements will bring staffing back in balance with demand for service and provide more local services in Southwest and Eastern Washington.

- **Impact on clients and services**

The proposed staffing levels will bring backlogs in the chemistry section of the crime laboratory back to 25-30 days (median age pending), and ensure the goal in toxicology of turnaround time of less than 10 days is brought back to 2000 levels. These level of service are needed to ensure the state can meet speedy trial obligations, and in the case of the State Toxicology Laboratory will ensure the timely issuance to the public of death certificates.

- **Impact on other units of government**

See impacts on clients and services, above.

- **Other alternatives explored**

The Laboratories cope with an increasing local demand for services over which they have no control, short of refusing to accept cases. The Laboratories are understaffed according to per capita staffing levels in adjoining states of Oregon and Idaho. If the Laboratories begin to refuse cases, local agencies will likely not prosecute those cases due to lack of alternative private laboratories. Local agencies have limited ability to pay for private services.

- **Future biennia budget impacts**

These costs will carry forward to future biennia. The positions proposed are permanent. The current estimates include equipment costs which are recurring and although not biennial (having expected lifetimes of 3-8 years), but are adjusted to biennialized cost.

- **One time versus ongoing expenditures**

N/A

- **Effect of non-funding**

Backlogs will continue to increase to the point of failing to meet speedy trial deadlines, which will trigger yet more demands for trial to force the timelines on these cases. Drug possession and manufacturing cases will be subject to plea bargains increasingly unfavorable to the state. Law enforcement agencies will not pursue laboratory testing in drug cases, enhancing the perception that drug crimes are not serious. Further delays will result in the issuance of death certificates, resulting in delays to families in completing financial and securities transactions in estate settlements, and insurance claims.

Proposed Implementation Plan

Positions would be created upon funding, and recruitment from the DOP register would begin in July 2005. Staff would be placed into Cheney and Vancouver facilities as they come online. We expect to hire six positions total in the first fiscal year and further two in the second year. Current salary limitations do not permit hiring of experienced forensic scientists, so staff are hired at the entry level position and thereafter complete a 6-8 month training program. During that time they begin to perform basic casework under supervision, and receive instruction in testifying. Scientists would complete their training in eighteen months and be fully productive by December 2005.

Performance Measures and anticipated outcomes

What are the expected outcomes from this proposal? Include specific detail for the outcome measures that will be used to assess the effectiveness of the enhanced services.

- *Backlog in drug chemistry and clandestine drug laboratory casework would be less than one month's worth of incoming casework.*
- *Median age of pending drug chemistry and clandestine laboratory cases would be stabilized below twenty-five day, and maximum age of pending cases would be brought below 45 days.*
- *Backlogs in the related chemistry sub-discipline of arson investigation would be reduced to one month's worth of incoming cases, and maximum age of pending cases would be brought below 45 days.*
- *Toxicology casework turnaround time would be stabilized below 8 days (median).*
- *Toxicology Laboratory would achieve national accreditation (ABFT), and implement expanded drug screening technology.*

Proposal was prepared at the request of the Governor's Council on Substance Abuse by:

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